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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,522

09/08/2003

Raymond Bertholet

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BELL, BOYD & LLOYD LLP  
P.O. Box 1135  
CHICAGO, IL 60690

EXAMINER

SILVERMAN, ERIC E

ART UNIT

PAPER NUMBER

1618

NOTIFICATION DATE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10658522	9/8/2003	BERTHOLET ET AL.	88265-6925

BELL, BOYD & LLOYD LLP  
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**EXAMINER**

ERIC E. SILVERMAN

ART UNIT	PAPER
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1618	20081103
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DATE MAILED:

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**Commissioner for Patents**

The reply filed on 9/29/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment changes the claims so as to claim an invention that is distinct from the invention previously claimed. The previously claimed invention read on an oil containing PUFAs extractable from a microorganism culture as triacylglycerols, and required that less than 10% by weight be the free LCPUFA acids; the originally claimed invention was unconcerned with the weight percent of LCPUFA triglycerols. The claims as they now read require that the oil contain less than 10% by weight of LCPUFA triglycerols, and are unconcerned with the amount of free LCPUFA acid. This is a distinct composition, indeed a distinct inventive concept, from the originally claimed invention. Because Applicant had already received an action on the merits for the first invention, the claims drawn to the newly claimed invention are properly withdrawn as non-elected by original presentation. As all the pending claims would be withdrawn, there are no claims in the present application that are ripe for examination. Applicants are reminded that a shift of invention is not allowed, even upon the filing of an RCE. To be fully compliant, Applicants must present claims that are drawn to the invention that was already examined and acted upon in a first action. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Eric E Silverman/  
Examiner, Art Unit 1618